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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,008	10/22/2003	Roland M. Munoz	223-001	5677
30332	7590	01/25/2005	EXAMINER	
JENNIFER MEREDITH MEREDITH & KEYHANI 81 LINWOOD AVE BUFFALO, NY 14209			EDELL, JOSEPH F	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,008

Applicant(s)

MUNOZ, ROLAND M.

Examiner

Joseph F Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 3,5-10,13,16-21,24,26-29,32-42 and 44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,11,12,14,15,22,23,25,30,31 and 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species I, Figures 1A-1C and 2A-2C in the reply filed on 15 December 2004 is acknowledged. Claims 3, 5-10, 13, 16-21, 24, 26-29, 32-42, and 44 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 11, 12, 14, 22, 30, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2002/0091040 A1 to Jackson.

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Jackson discloses a corner mat that includes all the limitation recited in claims 1, 14, and 22. English shows a mat having a cone shaped matt (Fig. 1) with bottom, top, front, and back portions, a seat 08 (Fig. 6) attached to the mat, a receiving means 09 (Fig. 1) on the top portion of the mat, and a promotional display (see paragraph 17) on the mat.

4. Claims 1, 11, 12, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2003/0060298 A1 to English.

English discloses a corner mat that includes all the limitation recited in claims 1, 11, 12, and 14. English shows a mat having a cone shaped matt 112 (Fig. 1) with bottom, top, front, and back portions, a seat 114 (Fig. 1) attached to the mat, and a promotional display 130 (Fig. 2) on the mat.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 4, 15, 23, 25, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson in view of U.S. Patent No. 4,190,918 to Harvell.

Jackson discloses a mat that is basically the same as that recited in claims 2, 4, 15, 23, 5, and 43 except that the mat lacks an attachment means and handles, as recited in the claims. Harvell shows a seat similar to that of Jackson wherein the seat

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has an attachment means with first and second pieces of fabric 42 (Fig. 2) and handles 38 (Fig. 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the mat of Jackson such that the seat has attachment means of first and second pieces of fabric that are long enough to allow the pieces of fabric joined around a corner of a boxing ring, and a handles on the mat, such as the seat disclosed in Harvell. One would have been motivated to make such a modification in view of the suggestion in Harvell that the pieces of fabric allow the seat to be fixed attached to a supporting structure and handles allow for easy transportation when collapsed.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to mats:



U.S. Pat. No. 3,173,560 to Montgomery U.S. Pat. No. 5,513,900 to Iglesias

U.S. Pat. No. 6,177,164 to Sullens et al.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph Edell
January 24, 2005